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C O N F I D E N T I A L SECTION 01 OF 03 BRUSSELS 000192

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TAGS: [PREL](#) [PGOV](#) [KDRG](#) [EUN](#) [PTER](#)
SUBJECT: GUANTANAMO CLOSURE: SE FRIED DISCUSSES EUROPEAN
COOPERATION WITH PSC AND COUNTERTERRORISM COORDINATOR

Classified By: USEU Political M-C Christopher Davis for reasons 1.4(b)
and (d).

11. (C) SUMMARY. Special Envoy for Closure of the Guantanamo Detention Facility Daniel Fried, along with Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor Michael Posner and Guantanamo Detainee Review Task Force Director Matthew Olsen discussed the detention facility's current status and European assistance during meetings with the EU's Political and Security Committee (PSC) ambassadors and EU Counterterrorism Coordinator Gilles DeKerchove on January 26 and 27. Additionally, the delegation met with key members of the European Parliament (EP) and exchanged views with NGOs. The delegation also met separately with the Irish, French, and Portuguese Permanent Representatives to the EU to encourage their governments to share their positive experiences with other European countries that may be considering resettlement. END SUMMARY.

THE PSC

12. (C) SE Fried began the January 26 meeting with the 27 PSC ambassadors by thanking those EU member states that accepted detainees for resettlement: France, Portugal, Ireland, Belgium, Hungary, and Slovakia; noting also Italy which took two for prosecution. He said that despite some success over the past year, the United States still needs Europe's help to resettle the 33 detainees approved for transfer but whom we cannot return to their country of origin due to post-transfer treatment concerns. Additionally, S/E Fried referenced the significant Yemeni population at Guantanamo and the need for Europe's help to create the conditions in Yemen that would allow those detainees to return home. A/S Posner then described how the administration is determined not to allow past decisions regarding Guantanamo dictate future detention policy, which, he said, would be law-based and in accordance with universal standards consistent with the Geneva Convention and the UN Declaration on Human Rights. DOJ's Matthew Olsen described how the interagency review process made unanimous determinations on each of the 240 detainees it reviewed.

13. (C) The Portuguese PSC Ambassador thanked Fried for recognizing Portugal's assistance. He described the resettlement as a success and encouraged said other member states to cooperate as well. The PSC Ambassador from Slovakia, which that same day announced it's resettlement of three detainees, said that although the decision to accept detainees for resettlement was not easy, Slovakia is satisfied by the openness and support provided by the United States. He asked for advice on avoiding recidivism, to which SE Fried responded that appropriate assistance and prudent security measures, in combination, were keys to success. The French Charge then asked about the effectiveness of rehabilitation programs like the one in Saudi Arabia and

about U.S. plans for Yemen. S/E Fried described the Saudi program as "serious but not perfect," with a 10-to-20 percent failure rate. He said that although the United States is discussing a Yemeni rehabilitation structure, the country needs broader assistance. S/E Fried said he was profoundly grateful for Europe's help and he urged member states that have taken detainees to take one more, and encouraged member states considering to accept detainees to do so.

¶4. (C) During the PSC discussion, EU Counterterrorism Coordinator Gilles DeKerchove congratulated the U.S. delegation for its success, but noted that resettling detainees was made difficult since the U.S. itself is not doing so. He asked about the status of a Spanish EU presidency draft statement on guiding principles in combating terrorism, as called for by the June joint U.S.-EU declaration on Guantanamo. He said these principles, once accepted by the U.S. and the EU, would have "worldwide impact." DeKerchove further congratulated AG Holder for deciding to try the 9/11 suspects in federal court, but lamented the prospect of the death penalty, which Europe opposes. Referring to the detainees designated for indefinite detention, DeKerchove said, "It is not the EU position that you can hold 50 without trial."

¶5. (C) S/E Fried said that the U.S. response to the draft Spanish statement on guiding principles is not yet ready, but "what we agree to we will implement, which is why we are being careful in our response." S/E Fried further applauded the leadership of Spanish head of government Zapatero, noting that Spanish FM Moratinos had said publicly that Spain would accept five detainees eventually. A/S Posner reiterated the importance of first closing Guantanamo, and then developing a comprehensive detention policy that advocates trying

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detainees as criminals in federal court.

DEKERCHOVE SEPARATELY

¶6. (C) On January 27 DeKerchove discussed the strategy for closing Guantanamo in a separate meeting with S/E Fried, A/S Posner and Olsen. DeKerchove noted that he is talking to the Belgian government about accepting the two Belgian detainees convicted in absentia and noted that he will meet with the German Interior Minister in mid-February. S/E Fried inquired whether the EU has mechanisms in place to manage resettled detainees traveling outside their country of resettlement but in the Schengen zone. DeKerchove said that although the EU has not agreed to specific actions when and should this occur, the EU is prepared to use established structures within the Schengen Information Service that allow member states to support surveillance and share information. On Yemen, DeKerchove expressed his shared concern, described the European Commission's stabilization funds as inadequate, and he noted that he is pushing the EU to do more.

EU PERM REPS

¶7. (C) During meetings with the Portuguese and Irish Permanent Representatives to the EU, and separately with the French Permanent Representative to the EU, Fried urged them to share information about their governments' experience in taking detainees with other European countries considering resettlement, in an effort to demystify the process. Irish PermRep Rory Montgomery described the resettlement process in Ireland as "very smooth." If anything, he argued, the media has portrayed the decision as politically positive for the Irish government and with some saying the government should do even more. Similarly, Ambassador Manuel Lobo Antunes called the resettlement process a "non-issue" for the Portuguese government. He indicated that Portugal will continue to press other countries to accept detainees. S/E Fried mentioned specifically that the governments of Hungary and Slovakia might benefit from their advice. In their meeting, French Ambassador Philippe Etienne noted that the process has been difficult for the French government, especially in regard to relations with Algeria (both detainees' country of nationality), but he agreed that there is a need to exchange information and best practices. Montgomery and Etienne suggested, separately, that while diplomatic pressure continued in capitals, it might also be

useful to arrange exchanges between working level technical experts.

EUROPEAN PARLIAMENTARIANS

¶8. (SBU) President of the European Parliament (EP) Jerzy Buzek welcomed the delegation on January 26 and highlighted the importance of human rights for Europeans. S/E Fried likewise framed Guantanamo's closure as part of a common U.S.-EU human rights mission. He thanked Europe for its help in resettling many of the detainees in the past year and he asked the EP to encourage member states to accept more detainees for resettlement. Buzek assured the delegation that he would talk with member states to explain the U.S. position, and the Committee on Civil Liberties, Justice, and Home Affairs on the Guantanamo Review Task Force and underscored the need for Europe's assistance in resettling the remaining detainees. A/ Posner thanked the EP for its February 2008 resolution on the return and resettlement of the Guantanamo detention facility inmates and asked the MEPs for their guidance, recommendations, and help in closing the facility. Vice Chair of the EP's U.S. Delegation and former Special Rapporteur on Guantanamo Sarah Ludford (United Kingdom, ALDE) said that although it was "brave" to move forward and try Khalid Sheikh Mohammed and the alleged September 11 conspirators in federal courts in New York, she found it hard to expect EU member states to offer more assistance when the United States had not yet answered how it will handle prosecutions in military commissions, which she does not support, or what the new framework is for U.S. detention policy. Olsen explained the process for deciding who will be tried in federal courts versus military tribunals. A/S Posner added that her questions are similar to those currently being debated internally. But, he noted, it is important that the closure of Guantanamo be viewed as a unique case and not dictate the discussion on future detention policy.

¶10. (SBU) Other MEPs joined the questioning mixing in their

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own comments. Vice President of the EP and member of the U.S. Delegation Stavros Lambrinidis' (Greece, S&D) posed a lengthy list of questions about the process the United States had undertaken to engage European governments on resettling detainees, including what measures we have asked those government receiving detainees to take. Barbara Lochbihler (Germany, Green) also asked about the case of Canadian Omar Khader, expressing concern for his age at capture. Chairwoman of the Subcommittee on Human Rights Heidi Hautala (Finland, Green) expressed concern about the remaining Uighur detainees and Ana Gomes (Portugal, S&D) described how she lobbied the Portuguese government intensely to accept detainees. She suggested that both trying the detainees as criminals and providing more information on European involvement in secret renditions would help sway public opinion toward accepting more detainees. Finally, Ludford said that she hoped to get a vote on a new Guantanamo resolution on a future plenary schedule.

NGOS

¶11. (SBU) A NGO roundtable discussion on January 27 offered another opportunity for the delegation to outline progress and discuss where the United States still needs help. While noting the NGO's criticism regarding judicial and detention policy, S/E Fried focused the conversation on ways the United States could work with the NGOs to further their common goal of closing the detention facility. S/E Fried encouraged the representatives from Amnesty International, Human Rights Watch, International Crisis Group, Reprieve, International Commission of Jurists, and the Center for Constitutional Rights to offer support to European governments that recently accepted detainees. Amnesty's representative noted that his organization has been working behind the scenes to help the U.S. resettlement effort. Reprieve's representative, noting also that her organization represents detainees offered a specific post-transfer assistance program that receiving governments might consider to help in their own integration efforts.

¶12. (U) Special Envoy Fried and Assistant Secretary Posner

have cleared this cable.

KENNARD

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